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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,835	11/19/2003	Kazuhito Gassho	Q78470	3632
72875	7590	12/31/2007	EXAMINER	
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037			NGUYEN, ALLEN H	
			ART UNIT	PAPER NUMBER
			2625	
			NOTIFICATION DATE	DELIVERY MODE
			12/31/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 10/715,835	<b>Applicant(s)</b> GASSHO ET AL.	
	<b>Examiner</b> Allen H. Nguyen	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,8 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/01/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's arguments with respect to claims 1, 3-4, 8, 10 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 11/01/2007 has been considered by the examiner.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 10 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 10 is drawn to functional descriptive material embodied on a computer readable medium (i.e., "data structures and computer programs which impart functionality when employed as a computer component" at MPEP

2106.IV.B(1)). However, the program/algorithm itself merely manipulates data or an abstract idea, or merely solves a mathematical problem without a limitation to a practical application in the technological arts. MPEP 2106.IV.B.2(a) (Statutory Product Claims) states:

“A claim limited to a ... manufacture, which has a practical application in the technological arts, is statutory.”

In order for a claimed invention to accomplish a practical application, it must produce a “useful, concrete and tangible result” *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02 (see MPEP 2106.II.A). Currently, the claim does not recite a practical application. In order for the claimed product to produce a “useful, concrete and tangible” result, recitation of one or more of the following elements is suggested:

- The manipulation of data that represents a physical object or activity transformed from outside the computer (MPEP 2106 IVB2(b)(i)).
- A physical transformations outside the computer, for example in the form of pre or post computer processing activity (MPEP 2106 IVB2(b)(i)).
- A direct recitation of a practical application in the technological arts (MPEP 2106 IVB2(b)(ii)).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3-4, 8, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (US 6,606,163).

Regarding claim 1, Suzuki '163 discloses a print job management device (Job Scheduling Device 12, fig. 1) that manages print jobs, comprising:

an input module (Terminal 11, fig. 1) that inputs a print job of printing a plurality of pages (i.e., terminal 11 generates one job as a plurality of documents, and issues a job request and various types of control request including these documents to the job scheduling device 12; see col. 14, lines 62-65, fig. 1), the print job including a plurality of page data and page attribute information for each page (i.e., the printing system effects printing of the plurality of documents corresponding to attributes of the documents under control of a job scheduling device; see Abstract), each page data representing one of the plurality of pages (fig. 30B), the page attribute information being disposed at each page of the print job (i.e., data 280 delivered from the client is made up of a job attribute 281; see fig. 30A);

a generation module that extracts said attribute information from said print job and generates inclusive attribute information that contains said attribute information (i.e., attribute information setting means for acquiring attribute information included in the received job and sets the attribute information to information which specifies a job and a document; see col. 7, lines 60-65);

a communication module (16, fig. 1) that, before transmitting the print job to a printer, transmits only the inclusive attribute information to the printer to cause the printer to determine whether or not the printer is capable of executing the print job (i.e., upon receipt of an acknowledgement representing that the job execution section 13 can accept processing from the job execution section 13, the job scheduling section 15 sequentially fetches jobs from the leading end of the printer queue 22, and issues a document processing request to the job execution section 13 via the job execution section control section 16, with the use of the collation control unit 15a, in such a way that the job is output in a collated or uncollated manner as specified by a user; see col. 16, lines 43-52, fig. 31, Printing possible S13).

Regarding claim 3, Suzuki '163 discloses a print job management device (Job Scheduling Device 12, fig. 1), wherein said generation module further attaches said inclusive attribute information to a header of said print job (i.e., data 280 delivered from the client is made up of a job attribute 281 which serves as a header of the data, and a number of document data items (n) 282-1, 282-2, . . . 282-n which serve as a data portion of the data. A document attribute is added to

substance of each of the document data items 282-2, 282-2, . . . 282-n; see col. 44, lines 66-67 and col. 45, lines 1-5, fig. 30A).

Regarding claim 4, Suzuki '163 discloses a print job management device (Job Scheduling Device 12, fig. 1), further comprising: a status management module (Queue Management Section 17, figs. 1, 28) that manages said print job in coordination with a predetermined status (i.e., Scheduling is carried out allowing for an assignment and processing conditions of the job execution section 13, and a print processing request is issued to the job execution section 13 by transferring a job stored in the queue management section 17 to the job execution section 13; see col. 16, lines 10-15);

wherein if said print job is in a status of contents analysis, said generation module performs said extraction in conjunction with said analysis (see col. 16, lines 15-25).

Regarding claim 8, claim 8 is the method claim of device claim 1. Therefore, method claim 8 is rejected for the reason given in device claim 1.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US 6,606,163) in view of Utsunomiya (US 7,034,954).

Regarding claim 10, Suzuki '163 discloses :

a module that inputs a print job of printing a plurality of pages (i.e., terminal 11 generates one job as a plurality of documents, and issues a job request and various types of control request including these documents to the job scheduling device 12; see col. 14, lines 62-65, fig. 1), the print job including a plurality of page data and page attribute information for each page (i.e., the printing system effects printing of the plurality of documents corresponding to attributes of the documents under control of a job scheduling device; see Abstract), each page data representing one of the plurality of pages (fig. 30B), the page attribute information being disposed at each page of the print job (i.e., data 280 delivered from the client is made up of a job attribute 281; see fig. 30A);

a module that extracts said attribute information from said print job and generates inclusive attribute information that contains said attribute information (i.e., attribute information setting means for acquiring attribute information included in the received job and sets the attribute information to information which specifies a job and a document; see col. 7, lines 60-65);

a program code that, before transmitting the print job to a printer, transmits only the inclusive attribute information to the printer to cause the printer to determine whether or not the printer is capable of executing the print job (i.e.,



upon receipt of an acknowledgement representing that the job execution section 13 can accept processing from the job execution section 13, the job scheduling section 15 sequentially fetches jobs from the leading end of the printer queue 22, and issues a document processing request to the job execution section 13 via the job execution section control section 16, with the use of the collation control unit 15a, in such a way that the job is output in a collated or uncollated manner as specified by a user; see col. 16, lines 43-52, fig. 31, Printing possible S13).

Suzuki '163 does not disclose a recording medium that is recorded with a computer program for managing print jobs, comprising: a program code.

However, the above-mentioned claimed limitation is well known in the art as evidenced by Utsunomiya '954. In particular, Utsunomiya '954 teaches a recording medium that is recorded with a computer program for managing print jobs, comprising: a program code (i.e., an apparatus (CPU 3607, CPU 3701) of the system reads out and executes the program codes stored on the storage medium; see col. 20, lines 60-62).

In view of the above, having the system of Suzuki '163 and then given the well-established teaching of Utsunomiya '954, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Suzuki '163 as taught by Utsunomiya '954 to include: a recording medium that is recorded with a computer program for managing print jobs, comprising: a program code, since Utsunomiya stated in col. 21, lines 10-15 that such a modification would ensure the program codes themselves read out from

the storage medium realize the functions of the embodiments and the server apparatus which sent the program codes constructs the invention.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gassho (US 2004/0156070) discloses printer.

Wanda (US 6,916,127) discloses information processing apparatus, information processing system, print control method, and storage medium storing computer readable program.

Minari (US 6,809,831) discloses print controller, print system, print controlling method, and record medium.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen H. Nguyen whose telephone number is 571-270-1229. The examiner can normally be reached on M-F from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571)-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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AN

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A handwritten signature in black ink, appearing to read 'KMP', is written above the printed name and title.

KING Y. POON  
SUPERVISORY PATENT EXAMINER